

Message Text

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C O N F I D E N T I A L QUITO 4619

E.O. 11659: GDS
TAGS: PINT, EC
SUBJECT: MILITARY MAINTAINS CONTROLS ON CIVIL LIBERTIES

1. BEGIN SUMMARY: THE JOUSTING BETWEEN THE MILITARY GOVERNMENT AND THE CANDIDATES OVER THE FORM AND CONTENT OF THE CIVILIAN GOVERNMENT THAT WILL TAKE OFFICE LATER THIS YEAR CONTINUES. THE GOE RECENTLY REMOVED A SUPREME COURT JUSTICE, MOST LIKELY BECAUSE HE WAS SEEN AS TOO INDEPENDENT OF THE GOE. ALMOST SIMULTANEOUSLY, THE POLITICAL PARTIES REQUESTED THAT THE GOE REINSTITUTED THE RIGHT OF HABEAS CORPUS AND OTHERWISE AMEND THE MILITARY LAW UNDER WHICH THE COUNTRY HAS LIVED SINCE 1972. THE GOE AGREED TO REVIEW THE REQUEST AND THEN REFUSED TO GRANT IT, CITING THE NEED FOR PEACE AND TRANQUILITY DURING THE ELECTORAL PERIOD. THUS, THE GOE CONTINUES TO DEMONSTRATE ITS INSISTENCE ON MAINTAINING CLOSE OVER THE RULES OF THE POLITICAL GAME. END SUMMARY.

2. ON JUNE 28 THE GOE FIRED SUPREME COURT JUSTICE ESTUARDO JURTADO LARREA BY EXECUTIVE DECREE. THE DECREE LAMELY REFERS TO THE NECESSITY FOR "ABSOLUTE COMPREHENSION, RESPECT AND HARMONY" ON THE PART OF THOSE
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ENGAGED IN THE EXERCISE AND ADMINISTRATION OF JUSTICE. COURT PRESIDENT CONZALO KAROLYS, WHEN ASKED BY A REPORTER TO COMMENT ON WHETHER THE GOE'S ACTION WAS JUST OR UNJUST, REPLIED LACONICALLY THAT JUSTICE IS RELATIVE. ACCORDING TO HURTADO, HE WAS FIRED BECAUSE OF HIS REFUSAL TO SUPPORT THE COURT'S DECISION TO DISALLOW THE CANDIDACY OF ERSTWHILE PRESIDENTIAL HOPEFUL FRANCISCO HUERTA MONTALVO. HURTADO

IS THE BROTHER OF OSVALDO HURTADO, THE VICE PRESIDENTIAL CANDIDATE OF THE CONCENTRATION OF POPULAR FORCES (CFP). SINCE HUERTA'S DISQUALIFICATION ESTUARDO HURTADO SAYS HE HAS BEEN OSTRACIZED FROM THE COURT'S ACTIVITIES AND PRESSURED TO OFFER HIS RESIGNATION. (TWO OTHER JUSTICES WHO OPPOSED HUERTA'S DISQUALIFICATION ALONG WITH HURTADO HAVE SINCE RESUMED THEIR JUDICIAL DUTIES, PRESUMABLY AFTER MAKING PEACE WITH KAROLYS).

3. HURTADO'S DISMISSAL WAS ANNOUNCED JOINTLY WITH THE RESIGNATION OF ANOTHER SUPREME COURT JUSTICE, CARLOS ESTARELLAS MERINO, TO WHOM THE GOE OFFERED THANKS FOR HIS SERVICE. IT IS NOT YET KNOWN IF THE TWO CASES HAVE MORE IN COMMON THAN THEIR TIMING. WHAT IS CERTAIN, HOWEVER, IS THAT HURTADO'S DISMISSAL AND ESTARELLAS' RESIGNATION HAD BEEN PLANNED IN ADVANCE, SINCE THEIR REPLACEMENTS WERE NAMED IN THE SAME DECREE DISMISSING HURTADO, AND THEY ASSUMED OFFICE THE FOLLOWING DAY.

4. THE SAME DAY AS HURTADO'S DISMISSAL THE GOE ANNOUNCED ITS INTENTION TO STUDY A PROPOSAL THAT THE RIGHT OF HABEAS CORPUS BE REINSTATED AND THE STATE OF MILITARY LAW REVIEWED. THAT REQUEST HAD BEEN MADE BY A NUMBER OF POLITICAL PARTIES TO THE SUPREME ELECTORAL TRIBUNAL (SET) WHICH PASSED IT ON TO THE GOE. IN ANNOUNCING THE GOE'S INTENTION TO REVIEW THE PARTIES' REQUEST, SECRETARY GENERAL

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OF ADMINISTRATION VICOTR HUGO GARCES TOLD THE PRESS THAT THERE ARE NO POLITICAL PRISONERS IN ECUADOR AND THAT THE COUNTRY HAS WELL-KNOWN REPUTATION FOR RESPECTING HUMAN RIGHTS. THAT REPUTATION WAS, PERHAPS, SLIGHTLY TARNISHED ON JULY 1 WHEN MINGO V. BOLIVAR JARRIN ANNOUNCED THAT MILITARY LAW WOULD REMAIN IN FORCE AND THAT HABEAS CORPUS WOULD NOT BE REINSTATED UNTIL THE DAY AFTER THE FORMAL DECLARATION OF THE ELECTION OF THE NEW PRESIDENT. JARRIN SAID THAT THE CURRENT CIRCUMSTANCES IN THE COUNTRY, PRESUMABLY THE ELECTION PERIOD, "REQUIRES A FIRM GUARANTEE OF ORDER, PEACE AND INTERNAL SECURITY", AND THUS THE CONTINUATION OF MILITARY LAW. ONCE AGAIN, HE DENIED THAT THERE ARE ANY POLITICAL PRISONERS IN ECUADOR AND REPEATED THE GOE'S TOTAL RESPECT FOR HUMAN RIGHTS.

5. COMMENT: THESE INCIDENTS PROVIDE RECONFIRMATION OF TWO TRENDS THAT WERE ALREADY PAINFULLY CLEAR: FIRST, THE GOE IS GOING TO MAINTAIN A FIRM HAND RIGHT DOWN TO THE CEREMONY HANDING OVER POWER TO THE NEW, CIVILIAN GOVERNMENT. THE ANNOUNCEMENT ON MILITARY LAW AND HABEAS CORPUS SHOULD MAKE THAT CLEAR TO THOSE FEW POLITICIANS STILL HARBORING HOPES OF A SOFTENING

OF THE DICTATORSHIP AS THE ELECTORAL PROCESS PROCEEDS.
SECOND, THE MILITARY HAS A FIRM INTENTION OF MAINTAINING
SOME CHECKS OVER THE DIRECTION THE CIVILIAN GOVERNMENT
TAKES ONCE IN OFFICE. BY NOW, THE SUPREME COURT SHOULD
BE PACKED IN A FORM SATISFACTORY TO EVEN THE MOST
CONCERNED MILITARY OFFICER.
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